

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 4:19-cv-10520-TSH

CHARU DESAI,
Plaintiff,

v.

UMASS MEMORIAL MEDICAL CENTER,
INC., et al.,
Defendants.

**DEFENDANTS' PRETRIAL
DISCLOSURES**

Pursuant to Fed. R. Civ. P. 26(a)(3)(A), Defendants, UMass Memorial Medical Group, Inc., and Max Rosen, M.D., make the following disclosures regarding the evidence that they may present at trial other than solely for impeachment:

(i) Witnesses

Defendants expect to present the following individuals as witnesses at trial:

1. Max Rosen, M.D.
c/o Defendants' Counsel
2. Karin Dill, M.D.
c/o Defendants' Counsel
3. Diana Litmanovich, M.D.
c/o Defendants' Counsel
4. Mona Korgaonkar, M.D.
c/o Defendants' Counsel
5. Joseph Ferrucci, M.D.
c/o Defendants' Counsel
6. Stephen Tosi, M.D.
c/o Defendants' Counsel

7. Randa Mowlod
c/o Defendants' Counsel
8. Kathleen LeBlanc
c/o Defendants' Counsel

Defendants may call the following individual as an expert witness if the need arises:

9. Ella Kazerooni, M.D.
c/o Defendants' Counsel

Defendants reserve the right to disclose additional witnesses necessitated by Plaintiff's disclosures or the Court's ruling on the Parties' Joint Motion for Clarification of Order on Defendants' Motion for Summary Judgment.

(ii) Designation of Deposition Testimony

Not applicable.

(iii) Exhibits

Defendants expect to offer the following documents as exhibits:

1. Curriculum Vitae, Charu S. Desai, M.D.; CD 00042-45.
2. University of Massachusetts Medical School, Annual Faculty Report and Evaluation of Professional Activities, Charu Desai, M.D., July 1, 2009 – June 30, 2010; UMM 00265-269.
3. University of Massachusetts Medical School, Annual Faculty Review, Charu Desai, M.D., July 1, 2010 – June 30, 2011; UMM 00270-276.
4. University of Massachusetts Medical School, Annual Faculty Review, Charu Desai, M.D., July 1, 2011 – June 30, 2012; UMM 00277-281.
5. University of Massachusetts Medical School, Faculty Annual Performance Review, Charu Desai, M.D., July 1, 2012 – June 30, 2013; UMM 00282-287.
6. University of Massachusetts Medical School, Faculty Annual Performance Review, Charu Desai, M.D., July 1, 2013 – June 30, 2014; UMM 00288-292.
7. University of Massachusetts Medical School, Faculty Annual Performance Review, Charu Desai, M.D., July 1, 2014 – June 30, 2015; UMM 00293-297.

8. University of Massachusetts Medical School, Faculty Annual Performance Review, Charu Desai, M.D., July 1, 2015 – June 30, 2016; UMM 00298-302.
9. University of Massachusetts Medical School, Faculty Annual Performance Review, Charu Desai, M.D., July 1, 2016 – June 30, 2017; UMM 00303-307.
10. University of Massachusetts Medical School, Faculty Annual Performance Review, Charu Desai, M.D., July 1, 2017 – June 30, 2018; UMM 00308-313.
11. Agreement between UMass Memorial Medical Group, Inc., and Charu Desai, M.D.; UMM 00334-346.
12. Letter from Max Rosen, M.D., and Stephen Tosi, M.D., to Charu Desai, M.D., March 9, 2018, RE: Notice of Termination of Employment; UMM 00253.
13. UMass Memorial Medical Center, Ongoing Professional Practice Evaluation/Reappointment Assessment, Charu Desai, M.D., June 21, 2017; UMM 03680.
14. Email from Max Rosen, M.D., to Darren Brennan, M.D., et al., February 8, 2017, Meeting – Review of Radiology Issues at Marlborough; UMM 00707-708.
15. Emails between Kathryn Green and Max Rosen, M.D., February 1, 2017, Re: confidential QA; UMM 04745-4746.
16. Letter to Diana Litmanovich, M.D., from Max Rosen, M.D., September 19, 2017, Re: Agreement to Review Radiology Scans; UMM 00694.
17. Spreadsheet with Assessments of 50 CT Studies Reviewed by Diana Litmanovich; UMM 00690-692.
18. Spreadsheet with Assessments of 50 CT Studies Reviewed by Diana Litmanovich, with Identity of Reader Column; UMM 00695-696.
19. Chest CT QA Study, January 26, 2017 [sic]; UMM 00699-705.
20. Curriculum Vitae, Karin E. Dill, M.D., March 20, 2018; UMM 28227-28244.
21. Curriculum Vitae, Max Rosen, M.D.
22. Curriculum Vitae, Diana Litmanovich, M.D.

23. Letter from Max Rosen, M.D., to Refky Nicola, M.D., March 1, 2017, RE: Notice of Termination of Employment; UMM 03710.
24. UMass Memorial Human Resources Information Systems Data, Radiologists aged 60 years or older hired by Max Rosen, M.D., with names and dates of birth.
25. UMass Memorial Human Resources Information Systems Data, Radiologists aged 60 years or older employed as of March 15, 2019, with names and dates of birth.
26. UMass Memorial Human Resources Information Systems Data, Radiologists aged 60 years or older currently employed, with names and dates of birth.
27. Emails between Diana Desai, M.D., and Don Rainwater, July 9, 2019, Re: Radiology Position Applicant; CD 00268-270.
28. Email from Eric Bevilacqua to Diana Desai, M.D., August 29, 2019, Re: Eric @ Medicus Mass; CD 00240-241.
29. Emails between Diana Desai, M.D., and Donald Villoni, July 26, 2019, Re: Radiologist Position; CD 00259-260.
30. Email from American College of Radiology Career Center to Diana Desai, M.D., September 12, 2019, Re: Application submitted for Body Imager – Stamford CT; CD 00169-170.
31. Email from American College of Radiology Career Center to Diana Desai, M.D., August 25, 2019, Re: Application submitted for Body Radiologist; CD 00173-174.
32. Email from American College of Radiology Career Center to Diana Desai, M.D., March 10, 2020, Re: Application submitted for Diagnostic Radiologist/Breast Imaging; CD 00179-180.
33. Email from American College of Radiology Career Center to Diana Desai, M.D., January 6, 2020, Re: Application submitted for Generalist / Neuroradiologist with Light IR-Outstanding Compensation Package Including Sign On Bonus!; CD 00187-188.
34. Email from American College of Radiology Career Center to Diana Desai, M.D., July 16, 2020, Re: Application submitted for Musculoskeletal Radiology- Tufts Medical Center - Boston, MA; CD 00584-585.
35. Email from American College of Radiology Career Center to Diana Desai, M.D., September 8, 2020, Re: Application submitted for Radiologist – Beautiful Cape Cod, MA – Live and Work Oceanside; CD 00586-587.

36. Email from American College of Radiology Career Center to Diana Desai, M.D., June 24, 2021, Re: Application submitted for Musculoskeletal Radiologist; CD 0721-722.
37. Email from American College of Radiology Career Center to Diana Desai, M.D., June 24, 2021, Re: Application submitted for Abdominal Imaging- Tufts Medical Center- Boston, MA; CD 0725-726.
38. Text Message, Diana Desai, M.D., to Hemang Kotecha, M.D., March 13, 2020; CD 00164.
39. Email from Terrence Cole to Max Rosen, M.D., December 10, 2019, Re: Telerad |\$400k | 100% from Home | Guaranteed Compensation | Plain Films Only.
40. Emails between Jessica Flint and Charu Desai, M.D., February 8-18, 2016, RE: vacation moonlight (March-April)?; UMM 04843.
41. Emails between Myra Shah and Randa Mowlood, February 7, 2018, RE: Dr. Desai; UMM 04567.
42. Email from Karin Dill, M.D., to Charu Desai, M.D., April 19, 2016, Re: vacation request; UMM 04340.
43. Email from Charu Desai, M.D., to Max Rosen, M.D., March 23, 2018, Re: CT Scan Readings; UMM 00541.
44. Emails between Myra Shah, Randa Mowlood, and Kelly Zalegowski, April 28, 2016-May 5, 2016, RE: Dr. Desai; UMM 04811-4813.
45. Email from Randa Mowlood to Myra Shah, May 19, 2017, Re: Dr. Desai; UMM 04921.
46. Emails between Randa Mowlood, Max Rosen, M.D., et al., May 13, 2016-May 20, 2016, RE: Dr. Dill/Desai; UMM 04685-4687.
47. Emails between Randa Mowlood, Kathleen LeBlanc, et al., May 13, 2016-May 20, 2016, RE: Dr. Desai/FMLA; UMM 04533-04534.
48. Email from Max Rosen, M.D., to Charu Desai, M.D., September 20, 2017, Re: Residents rotating on Chest – need to follow read-out assignments; UMM 04615.
49. Emails between Max Rosen, M.D., Randa Mowlood, and Charu Desai, M.D., March 16, 2016-March 30, 2016, Re: Vacation time; UMM 04581-4583.
50. Emails between Max Rosen, M.D., and Charu Desai, M.D., March 16, 2016-March 30, 2016, Re: Vacation time; UMM 04577-4578.

51. Emails between Karin Dill, M.D., Max Rosen, M.D., and Daniel Burritt, M.D., March 11, 2018, Re: STAT studies; UMM 04454.
52. Emails between Max Rosen, M.D., and Karin Dill, M.D., February 16, 2018, Re: confidential; UMM 04418.
53. Emails between Jessica Flint and Karin Dill, M.D., February 14, 2018, RE: chest; UMM 04415.
54. Emails between Karin Dill, M.D., Max Rosen, M.D., and Kimberly Robinson, M.D., September 28-29, 2017, RE: CT – opinion secure and confidential; UMM 04395-4396.
55. Emails between Karin Dill, M.D., Max Rosen, M.D., and Richard Irwin, M.D., September 28-29, 2017; Re: secure and confidential; UMM 04394.
56. Email from Karin Dill, M.D., to Max Rosen, M.D., September 20, 2017, Re: confidential follow up; UMM 04386-4387.
57. Email from Max Rosen, M.D., to Charu Desai, M.D., August 14, 2017, Re: “Vascular” studies in the Chest CT list; UMM 04382.
58. Emails between Max Rosen, M.D., and Kathleen LeBlanc, May 26, 2016, RE: Confidential; UMM 04373.
59. Email from Karin Dill, M.D., to Charu Desai, M.D., May 26, 2016, Re: schedule conversation today; UMM 04349.
60. Emails between Karin Dill, M.D., Randa Mowlood, and Jessica Flint, May 4, 2016, RE: Vacation/selling calls; UMM 04342-4343.
61. Emails between Max Rosen, M.D., and Karin Dill, M.D., April 4, 2018, Re: Confidential; UMM 04335.
62. Emails between Charu Desai, M.D., Karin Dill, M.D., et al., May 9-19, 2018; RE: Weekend call requests; UMM 04064.
63. Email from Karin Dill, M.D., to Charu Desai, M.D., February 7, 2018; Re: chest shift today; UMM 03864.
64. Email from Max Rosen, M.D., to Charu Desai, M.D., May 13, 2016, Re: Confirmation of our emeting [sic] today; UMM 00314-315.

65. Emails from Max Rosen, M.D., to Charu Desai, M.D., May 13-24, 2016, RE: Confirmation of our prior meeting on May 13 and details [sic] of May 20 meeting; UMM 04587-4588.
66. Emails between Diana Desai, M.D., and Charu Desai, M.D., March 14, 2019, and May 30, 2016, Re: Meeting Response, with attachment; DD 0006-8.
67. Emails between Diana Desai, M.D., and Charu Desai, M.D., March 14, 2019, and April 24, 2018, Re: MEETING SUMMARY: April 24, 2018; DD 0001-3.
68. Email from Diana Desai, M.D., to Charu Desai, M.D., September 21, 2017, Re: Dr. Dill; UMM 03865.
69. Email from Karin Dill, M.D., to Max Rosen, M.D., and Darren Brennan, M.D., September 21, 2017, Re: Incident 9/21/17; UMM 04309.
70. Emails between Darren Brennan, M.D., Max Rosen, M.D., and Charu Desai, M.D., September 21, 2017, Re: Incident today on 9/21/2017; UMM 04294.
71. Email from Darren Brennan, M.D., to Charu Desai, M.D., September 21, 2017, Re: Incident with Dr Dill today; UMM 03867.
72. Emails between Darren Brennan, M.D., Max Rosen, M.D., and Charu Desai, M.D., September 21, 2017, No Subject; UMM 04295.

Defendants may offer the following documents as exhibits if the need arises:

73. De-Identified Radiology Reports for 50 CTs, QACH01-50; UMM 00553-689.
74. Email from Brendan Sweeney to James Gruden, M.D., July 28, 2020, RE: Desai v. University of Massachusetts Memorial Medical Center, Inc., et al.
75. Email from Brendan Sweeney to James Gruden, M.D., June 11, 2021, FW: Desai v. UMass Expert Report, without attachments.
76. Curriculum Vitae, Ella Annabelle Effat Kazerooni, M.D.
77. Spreadsheet with Assessments of 19 CT Studies Reviewed by Ella Kazerooni, M.D., UMM 30859-30864.

Defendants reserve the right to disclose additional documents necessitated by Plaintiff's disclosures or the Court's ruling on the Parties' Joint Motion for Clarification of Order on Defendants' Motion for Summary Judgment.

Respectfully submitted,

**UMASS MEMORIAL MEDICAL
GROUP, INC., and MAX ROSEN, M.D.**

By their attorneys,

/s/Reid M. Wakefield

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Dated: November 2, 2022

CERTIFICATE OF SERVICE

I, Reid M. Wakefield, hereby certify that this document, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this day.

/s/Reid M. Wakefield

Reid M. Wakefield, Esq.

Dated: November 2, 2022